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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/644,147 | 08/20/2003 | Vincente Rosa | ARRAY 3 | 5310 |

7590 09/24/2004

John H. Thomas, P.C.
1561 East Main Street
Richmond, VA 23219

EXAMINER



HOGUE, GARY CHAPMAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3611

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--------------------------------------|---------------------------------------|---|
|  Office Action Summary | Application No. 10/644,147 | Applicant(s) ROSA, VINCENTE | |
| | Examiner Gary C Hoge | Art Unit 3611 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Santa Cruz et al.

Santa Cruz discloses a display placard having a belt **24** having a fastening device (see Figs. 5 and 6); a bracket **12** comprising a slot **30** adapted to allow the belt **24** to be threaded through it; the bracket **12** further comprising a mounting aperture **16**; and a graphic holder panel **20** having a front surface adapted to display written indicia and a back surface **18** comprising a male extension **14-A** adapted to be removably inserted into the mounting aperture **16** of the bracket **12**.

Regarding claim 2, a plug **44** is adapted to engage the male extension **14-A** of the panel and releasably secure the panel to the bracket.

Regarding claims 3 and 4, the male extension **14-A**, the mounting aperture **16**, and the plug are substantially round, and the panel is rotatably connected to the bracket by the plug's loose engagement with the male insert through the mounting aperture.

Regarding claim 5, see Fig. 6. Part **52** comprises a "hook" as broadly recited.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aeschbacher et al.

Aeschbacher discloses a display placard having a belt 12 having a fastening device 28; a bracket 16 comprising a slot 20 adapted to allow the belt 12 to be threaded through it; the bracket 16 further comprising a mounting portion 17; and a graphic holder panel 13 having a front surface 13a adapted to display written indicia and a back surface 13b comprising an extension 15 adapted to be removably connected to the mounting portion 17 of the bracket 16. However, the mounting portion disclosed by Aeschbacher is male and the extension on the back of the graphic holder panel is female, instead of vice versa. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the mounting portion female and the extension male, because it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

5. Claims 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santa Cruz et al.

Santa Cruz discloses the invention substantially as claimed, as set forth above. However, it is not known whether the strap is rubber and/or elastic. Santa Cruz states that “various types of straps of engineering choice may be used” (column 3, lines 17-18). It would have been obvious

Art Unit: 3611

to one having ordinary skill in the art at the time the invention was made to use straps made of rubber and/or elastic because the tension inherent in such straps would help secure the bracket to the pole.

Allowable Subject Matter

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

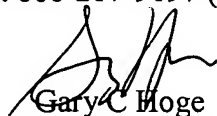
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C Hoge whose telephone number is (703) 308-3422. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3611

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary C. Hoge
Primary Examiner
Art Unit 3611

gch